

REMARKS

Claims 1-6, 8-12 and 14-24 are pending in this application. By this Amendment, claims 1, 8 and 21 are amended and claims 7, 13 and 25 are canceled without prejudice or disclaimer.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments to claims 1, 8 and 21 correspond to the originally presented claims. These claim amendments correspond exactly to the previously claimed subject matter and therefore no new issues are raised. The amendment to the specification corresponds to the original disclosure (of not reciting “field”). Because these amendments correspond to previous subject matter, no new issues are raised. Entry is proper under 37 C.F.R. §1.116.

The outstanding Office Action contains numerous comments, rejections and/or objections. Applicant has attempted to answer each of the asserted questions and comments made in the Office Action. However, if for some reason, any one of these questions and/or comments has been missed or applicant’s answer is not understood, then Examiner Amsbury is requested to contact applicant’s undersigned attorney who will gladly provide any additional information in order to further prosecution of this application.

I. Objection under 35 U.S.C. §132(a)

The Office Action objects to the Amendment filed July 6, 2005 under 35 U.S.C. §132(a) because it introduces new matter into the disclosure.

More specifically, the Office Action states (on page 2) that the subscripts added to the discussion (particularly at page 5) and the drawings introduce new matter. Applicant respectfully disagrees and requests that this objection be withdrawn. More specifically, the Office Action dated April 12, 2005 stated that “[a] component such as NE_CM with no subscript in a statement can be difficult or impossible for one skilled in the art to interpret in such a way as to make and use the invention.” In response to this comment, applicant amended Figure 2 and the specification at page 5 to more specifically reference the subscripts. For example, the original Figure 2 showed elements NE1, NE2...NEn in which the “n” would be considered a subscript. See also elements 140, 141,..., 14n, elements 150, 151,..., 15n and elements 130, 131, ..., 13n.

In order to further prosecution, applicant amended Figure 2 and the corresponding description at page 5 so as to change the value of n to a subscripted value (rather than a value that followed NE). Accordingly, Figure 2 and the corresponding description were amended to show elements 130₀-130_n rather than the previous elements 130-130n. Additionally, Figure 2 and the corresponding description were amended to show elements 150₀-150_n rather than the previous elements 150-150n. Furthermore, Figure 2 and the corresponding description were amended to show elements 140₀-140_n rather than the previous elements 140-140n. Applicant respectfully submits that these amendments do not add any new matter into the specification. Furthermore, one skilled in the art clearly would understand the changing of the numerals (to a subscript) is merely a labeling technique. Applicant respectfully requests that the rejection based on the subscripts added to the specification and the drawings were made based on comments in

the previous Office Action. Applicant further submits that no new matter is added. Withdrawal of the objection with respect to the subscripts is respectfully requested.

The Office Action also states that the change of “header bit” to --header bit field-- constitutes new matter. Applicant respectfully disagrees. One skilled in the art at the time of the invention would recognize that a data pattern shown in Figure 3 includes a plurality of fields. Applicant amended the specification to reference these fields and asserted that no new matter was added. While applicant respectfully disagrees that changing of “header bit” to --header bit field-- constitutes new matter, applicant has deleted claims 7, 13 and 25 and has amended the specification to specifically reference the original subject matter. Thus, the objection with respect to “field” is respectfully requested.

II. Objection to Drawings

The Office Action objects to the drawings under 37 C.F.R. §1.83(a) because Figure 3 does not show the use of field. Applicant respectfully disagrees as Figure 3 shows fields as would be known to one skilled in the art. That is, one skilled in the art would clearly understand that Figure 3’s data pattern includes fields. That is, fields are a common term to one skilled in the art at the time of the invention. However, in order to further prosecution, claims 7, 13 and 25 are canceled. Therefore, the objection to the drawings based on the claimed “fields” is moot. Withdrawal of the objection to the drawings is respectfully requested.

III. Withdrawn Claims

The Office Action states (on pages 3-4) that claims 1-8, 10-14 and 21-25 are withdrawn from consideration as being directed to a non-elected invention. In particular, the Office Action

appears to state that non-elected subject matter is presented based on the removal of “for database synchronization in a network elements management system” in independent claims 1 and 8 (and the corresponding dependent claims) and “data synchronization” from independent claim 21 (and its corresponding dependent claims). This previous amendment to delete “synchronization” was made based on comments in the previous Office Action. These amendments were not necessary in the previous response, but rather were filed to further prosecution. However, in view of the Office Action’s assertion that the deletion of these terms changes the scope of the previous elected invention, applicant has added these features back into independent claims 1, 8 and 21. This does not constitute any new matter as these amendments were previously considered. Further, the addition of these claim features clearly provides all the claims to be within the original scope of the examined subject matter. Thus, claims 1-8, 10-14 and 21-25 should be examined in the present application.

IV. Comments to “Remarks” Made in the Office Action

The Office Action makes comments regarding synchronization of two databases on pages 4-6 of the present application. In particular, the Office Action appears to assert that if databases A, B and C are to be synchronized, that the transmission of the changes in B to A and the changes to C to A leaves no part synchronized. The Office Action states (on page 6, lines 5-8) that the actions described on page 5 of the Office Action do not synchronize any pair of databases in the system, as there are at least three elements NEi. Applicant respectfully submits that the present application in at least one embodiment describes synchronization of a database element within one of the NEs and a database element within the EMS. Applicant has not

stated that one NE is synchronized with another NE as appears to be alleged in the Office Action (on page 6, lines 5-8). Applicant respectfully submits that one skilled in the art would clearly understand that the specification describes synchronization between one NE element and the EMS.

For example, as set forth in the previous response, the specification clearly describes synchronization between an EMS and NEs. See page 4, lines 4-6 as well as page 1, lines 7-9. The specification also clearly includes a description of Fig. 4 beginning on page 6, line 17 relating to synchronization between the element management system (EMS) and a network element (NE). The specification also describes that when the data transmission of the last block succeeds, the database synchronization between the EMS and the NEs is finished. See page 7, lines 10-13.

The Office Action states that at one point the EMS_CM contains all of the changes for NE_i for $i = 1 \dots n$ since the last synchronization cycle, but no other component of the system does. However, the EMS contains data similar to data in at least one of the NEs (and may include data the same as the other NEs).

The Office Action states (on page 6, lines 12-13) that the EMS includes multiple NE_i_RM and NE_i_CM and EMS_RMi components. Applicant respectfully disagrees with this statement. As stated on page 5, lines 7-9, the EMS 100 includes EMS_RM 103 and EMS_CM. Figure 2 also shows EMS_DB 101.

V. Comments Regarding 35 U.S.C. §112, first paragraph

The Office Action (on pages 6-7) comments that the specification is not clear, concise and exact. In particular, the Office Action states that the specification fails to use subscripts appropriately. As discussed above, applicant believes the present specification is very clear regarding this feature. Applicant further amended the specification (at the paragraph beginning on page 5, line 10) so as to further label the previous elements 140 and 150. These amendments do not constitute new matter as discussed above. In particular, the Office Action cites “the RM of the EMS in accordance with the corresponding header.” See the paragraph starting at page 5, line 23. This is very clear to one skilled in the art as it describes how data may be stored in the EMS.

Furthermore, the Office Action states that the header bit as shown in Figure 3 and the original corresponding discussion cannot distinguish from more than two items being either 0 or 1 in value. As stated above, one skilled in the art clearly would understand that Figure 3 shows fields of a data pattern. One skilled in the art would know that bits are provided in fields. Further, one skilled in the art would clearly understand the intent of the original application to include these features. Therefore, applicant respectfully submits that the specification is clear and concise with regard to these features.

The Office Action also states that the use of synchronization is not clear and concise in the present specification. For at least the reasons set forth above, applicant respectfully disagrees as synchronization occurs between one NE and the EMS.

VI. Various Rejections based on 35 U.S.C. §112, first paragraph

The Office Action rejects claims 13 and 25 under 35 U.S.C. §112, first paragraph. As stated above, claims 13 and 25 are canceled. Thus, this rejection is moot.

The Office Action rejects claims 9 and 15-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office Action states that these claims involve synchronization and/or resynchronization of an EMS. However, the Office Action states that the disclosure fails to support synchronization for such a system. For at least the reasons set forth above, applicant respectfully disagrees as synchronization occurs between one NE element and an element of the EMS. Claims 9 and 15-20 are definite to one skilled in the art. Withdrawal of the rejection is respectfully requested.

Still further, the Office Action rejects claims 1-25 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Additionally, the Office Action rejects claims 1-25 under 35 U.S.C. §112, second paragraph. The Office Action also rejects claims 9 and 15-20 under 35 U.S.C. §112, second paragraph. The rejections are respectfully traversed.

For at least the reasons set forth above, the specification clearly describes synchronization to one skilled in the art. Further, the specification adequately describes the claimed features to one skilled in the art. Applicant believes the statements made above sufficiently show that the specification describes synchronization as well as all the claimed features.

The Office Action also states (on the paragraph bridging pages 8-9) that statements made in the specification are different than the claims. Applicant respectfully submits that the claims

are definite to one skilled in the art. Further, applicant submits that statements in the Field of the Invention and the Summary section should not be used to unduly and/or improperly interpret the claims

Additionally, the Office Action (on page 9) states that the claims do not relate to database synchronization. The amendments to claims 1, 8 and 21 amend the preambles in the claims. Applicant submits that the claimed features are definite as they relate to database synchronization. Since the claims clearly relate to synchronization, the comment with regard to resynchronization in claim 15 is moot.

For at least the reasons set forth above, applicant believes that the claims and specification satisfy 35 U.S.C. §112, first and second paragraphs.

CONCLUSION

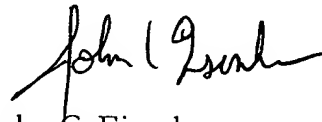
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-6, 8-12 and 14-24 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

Serial No. 09/469,307
Reply to Office Action of August 2, 2005

Docket No. P-0056

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



John C. Eisenhart
Registration No. 38,128
David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

Date: December 1, 2005

Please direct all correspondence to Customer Number 34610